

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

:

v.

:

CRIMINAL NO. 21-65

JOHN DOUGHERTY
GREGORY FIOCCA

:

GOVERNMENT'S MOTION TO DISMISS INDICTMENT
AGAINST DEFENDANT JOHN DOUGHERTY

The United States of America, by its attorneys, Jacqueline C. Romero, United States Attorney for the Eastern District of Pennsylvania, and Jason D. Grenell, Assistant United States Attorney for the district, pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, moves this Court to dismiss the indictment in the above-captioned matter as to defendant John Dougherty only, and in support of its motion states:

1. On March 2, 2021, the grand jury returned an indictment in this case, which charged defendants John Dougherty and Gregory Fiocca with one count of conspiracy to commit extortion, in violation of 18 U.S.C. § 1951(a) (Count One), and eighteen counts of extortion, in violation of 18 U.S.C. § 1951(a) (Counts 2-19).

2. The trial of this case commenced on April 17, 2024. On April 25, 2024, this Court declared a mistrial after the jury communicated that it was hopelessly deadlocked and further deliberations would be futile. ECF 183.

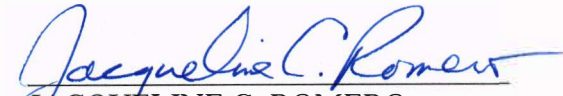
3. On July 11, 2024, defendant John Dougherty was sentenced to six years' incarceration following his convictions under Criminal Number 19-64 for honest services fraud in 2021 and embezzlement of Local 98 assets in 2023.

4. Considering the circumstances described above, in the interests of justice, the government requests that this Court dismiss the indictment in the instant case only as to defendant John Dougherty.

5. The government does not intend to move to dismiss the indictment against defendant Gregory Fiocca.

WHEREFORE, the government respectfully requests that this Court dismiss without prejudice the above-captioned indictment against defendant John Dougherty.

Respectfully submitted,


JACQUELINE C. ROMERO
United States Attorney

s/ Jason D. Grenell
JASON D. GRENELL
FRANK R. COSTELLO, JR.
Assistant United States Attorneys

Date: August 15, 2024

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

:

v.

:

CRIMINAL NO. 21-65-1

JOHN DOUGHERTY

:

ORDER

AND NOW, this day of , 2024, upon consideration of the
Government's Motion to Dismiss Indictment Against Defendant JOHN DOUGHERTY, it is
hereby

ORDERED

that the charges against defendant JOHN DOUGHERTY in indictment 21-65 are **DISMISSED**
WITHOUT PREJUDICE.

BY THE COURT:

HONORABLE JEFFREY L. SCHMEHL
Judge, United States District Court

CERTIFICATE OF SERVICE

I hereby certify that Government's Motion to Dismiss Indictment Against Defendant JOHN DOUGHERTY has been served on the Filing User identified below through the Electronic Case Filing (ECF) system:

GREG PAGANO, ESQ.
Email: gpagano@paganolaw.net

/s Jason D. Grenell
JASON D. GRENELL
Assistant United States Attorney

DATED: August 15, 2024